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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,193	06/30/2005	Lutz Konrad	KIRS.0022	7743
38327	7590	08/28/2007		
REED SMITH LLP 3110 FAIRVIEW PARK DRIVE, SUITE 1400 FALLS CHURCH, VA 22042			EXAMINER MITCHELL, KATHERINE W	
			ART UNIT 3677	PAPER NUMBER
			MAIL DATE 08/28/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/541,193	<b>Applicant(s)</b> KONRAD ET AL.	
	<b>Examiner</b> Katherine W. Mitchell	<b>Art Unit</b> 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**Katherine Mitchell**  
**Primary Examiner**

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/05; 11/05; 12/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 5 and 7 and 15-17, the phrase "in particular" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 1 and 7, the phrase "suchlike" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "suchlike"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d). Similarly, what is clip-like? How is something like a clip?

Regarding claim 7, what exactly is meant by inner contours flush with one another? The closest definition that examiner knows of would be to make level or straight, but examiner believes a better term is –inner contours of said bores are axially aligned –, as inner contours that are rounded can't be straight with adjacent ones.

Regarding claim 10, what is clip-like? How is something like a clip?

Regarding claims 6, 7 and 18-23 – examiner is not clear on what the zones are. The specification just repeats the wording in the claims. How is a zone different from a side face (6,7)? Examiner is interpreting this based on Figs 1 and 2.

Dependent claims are rejected as depending from rejected independent claims.

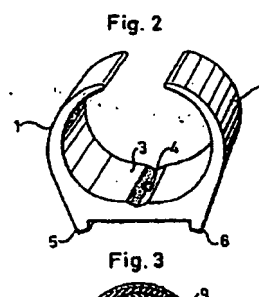
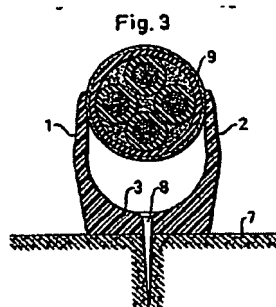
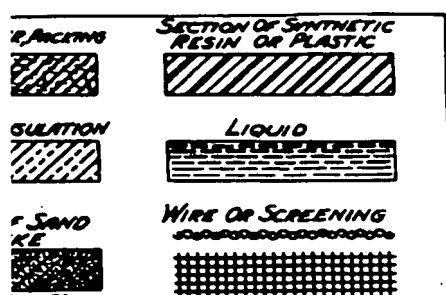
***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5 and 11-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Loof, GB 894867 or in the alternative, rejected under 35 U.S.C. 103(a) as obvious over Loof. Loof teaches per the figures below a fastener with a clip (1,2,3, with a clip base (3,5,6) and a fixing element (nail 8) in a throughbore 4 in the base, and the longitudinal axis of the fixing element 8 runs through the clip opening. Loof teaches that the clip is a resilient material, which according to US Drawing legends is plastic. However, if it is held that the legends do not inherently teach the resilient material is plastic, an alternative rejection is provided below.



Re claims 2-3,11: Fig 3 shows the fixing element press fit in the hole, and Fig 2 shows a recess for the head to completely fit into, per Fig 3.

Re claims 4-5,12,13,14,15,16,17 : The clip opening has 2 free ends as described, per Fig 3, and the inner contours is essentially circular and is capable of holding a wire.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

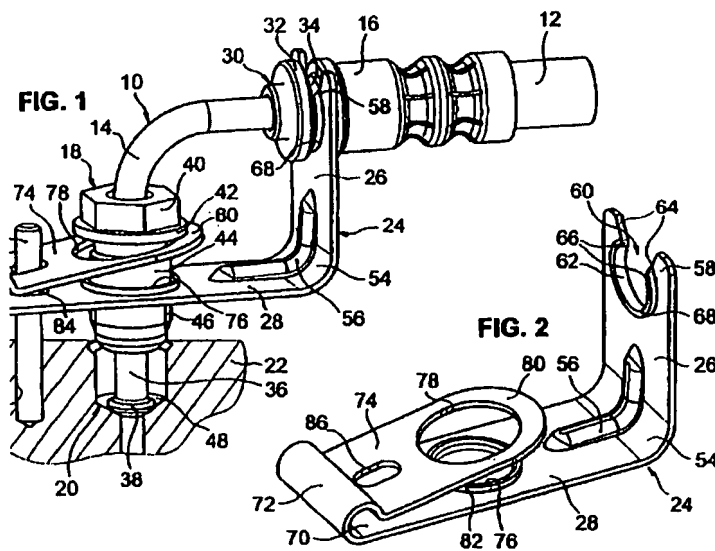
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-5,11-17 are alternately rejected under 35 U.S.C. 103(a) as being unpatentable over Loof. While examiner believes Loof fully anticipates and teaches the material of the clip as resilient plastic, if it is held that it is not anticipated by the drawing legend, it would have been obvious to one of ordinary skill in the art, having the teachings of Loof and common knowledge of well-known and commonly used and available resilient materials before him at the time the invention was made, to modify Loof to make the clip of resilient plastic, in order to obtain a resilient clip using inexpensive, widely accepted, available plastic material. One would have been motivated to make such a combination because plastic is a common and accepted resilient material, easy to mold or machine into specific shapes, that is light and inexpensive and available.

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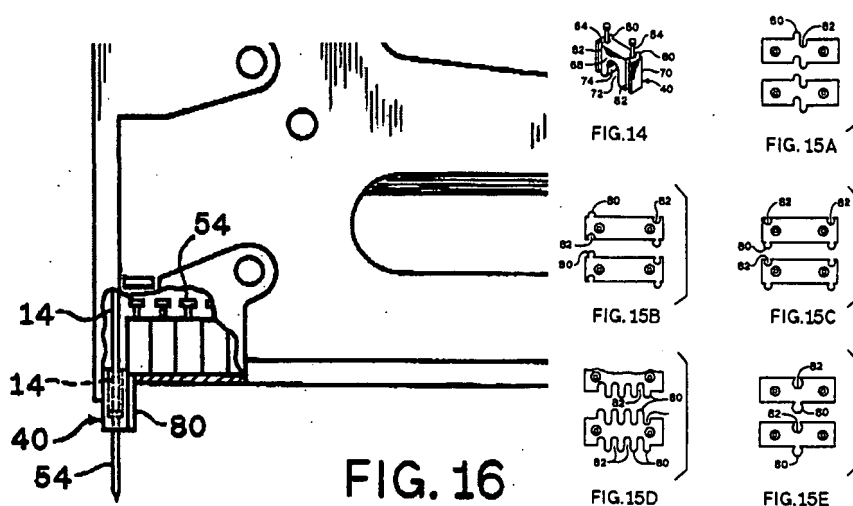
8. Claims 6,18-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loof in view of Capan et al USP 6769652.

As discussed above, Loof teaches all the elements except chamfered ends. Capan teaches a clip with arms forming a circular recess for a pipe, usable obviously with cable, having ends beveled as disclosed to assist in insertion of the round pipe, per Figs below. It would have been obvious to one of ordinary skill in the art, having the teachings of Loof and Capan before him at the time the invention was made, to modify Loof to make the clip with chamfered insertion faces as is done by Capan, in order to obtain a clip that allowed easy insertion with minimal force. One would have been motivated to make such a combination because chamfered ends are known and used to allow for slight misalignment when inserting items between two surfaces, and then center the item for easy insertion, and also prevents chipping as would be a problems with a sharp angled edge.



9. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loof in view of Capan and Erickson USP 4805824.

As discussed above, Loof in view of Capan teaches all the elements except multiple fasteners with inner contours of the clip bores aligned, and that said multiple fasteners are joined together by at least one predetermined breaking web extending longitudinally between adjacent outer fastener faces. Erickson teaches multiple fasteners used as cable/wire clips, with aligned inner contours and a longitudinally extending connecting web, in the figures copied below.



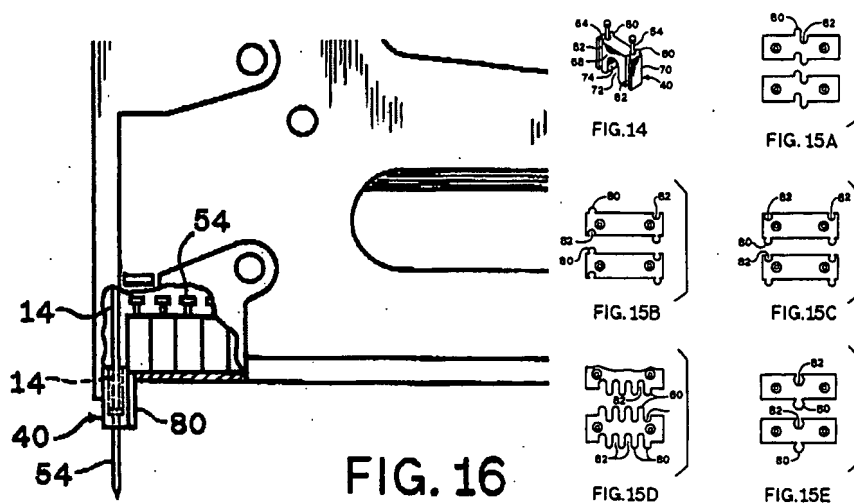
It would have been obvious to one of ordinary skill in the art, having the teachings of Loof in view of Capan and Erickson before him at the time the invention was made, to modify Loof in view of Capan as further taught by Erickson to provide multiple aligned fasteners connected in a longitudinal arrangement, in order to obtain a supply of fasteners that can be quickly used as a length of cable is run and connected to a substrate. One would have been motivated to make such a combination because cables often have runs requiring more than one clip for installation, and being able to

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dispense identical clips in an identical fashion would obviously speed up installation and lower installation costs.

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Loof in view of Erickson USP 4805824.

As discussed above, Loof teaches all the elements except multiple fasteners with inner contours of the clip bores aligned, and that said multiple fasteners are joined together by at least one predetermined breaking web extending longitudinally between adjacent outer fastener faces. Erickson teaches multiple fasteners used as cable/wire clips, arranged to be capable of use with a magazine housing in such a way that a feed device (gun) can eject the fasteners such that the arrangement moves forward to a feed end of a gun with an opening at right angles to the longitudinal direction, as in the figures copied below.



It would have been obvious to one of ordinary skill in the art, having the teachings of Loof in view of Erickson before him at the time the invention was made, to modify Loof as taught by Erickson to provide multiple aligned fasteners connected in a longitudinal



arrangement, capable of use with a magazine housing in a feed device, in order to obtain a supply of fasteners that can be quickly used as a length of cable is run and connected to a substrate. One would have been motivated to make such a combination because cables often have runs requiring more than one clip for installation, and being able to dispense identical clips from a magazine housing in a feed device would obviously speed up installation and lower installation costs.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

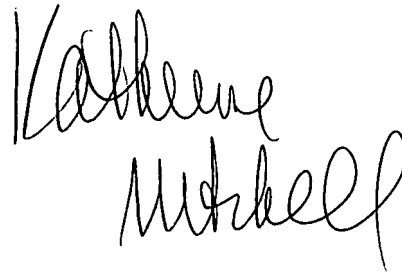
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine W. Mitchell whose telephone number is 571-272-7069. The examiner can normally be reached on Mon - Thurs 10 AM - 8 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Katherine W Mitchell  
Primary Examiner  
Art Unit 3677

8/16/2007

A handwritten signature in black ink, reading "Katherine Mitchell". The signature is written in a cursive, flowing style. The first name "Katherine" is on the top line, and the last name "Mitchell" is on the bottom line, with the two names connected by a large, sweeping loop.